IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

Bail Appl..No. 7786 of 2007()

CRIME NO. 722/07 OF E.T. SOUTH POLICE STATION

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PETITIONER/12TH ACCUSED

SABU, S/O.MADHAVAN, AGED 32 YEARS,
PULIMUDATHPARAMBIL HOUSE, SHIPYARD COLONY,
GIRINAGAR, KADAVANTHRA, ELAMKULAM.

BY ADV. SRI.K.V.SABU

RESPONDENTS: COMPLAINANT

CIRCLE CINSPECTOR OF POLICE
ERNAKULAM TOWN SOUTH POLICE STATION
REP. BY PUBLIC PROSSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 7786 of 2007

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Dated this the 19th day of December, 2007

O R D E R

Application for regular bail. The petitioner faces allegations in a crime registered under Section 302 I.P.C. Subsequently the allegation under Section 212 I.P.C. has also been included. In the course of investigation, the offence under Section 120B r/w. 302 I.P.C. has also been included. Altogether there are 12 accused persons.

2. The crux of the allegations is that there was a conspiracy to commit the murder of the deceased. Accused 1 and 2 armed with dangerous weapons had inflicted serious injuries on the deceased. Some other accused i.e., Accused 3, 4 and 6 to 10 stood around the deceased to facilitate infliction of injuries on the deceased by accused 1 and 2. The petitioner allegedly harboured accused 1 and 2 in the house of his wife at Alwaye. The petitioner was arrested on 24.11.2007 and he continues in custody from that date.

3. The learned counsel for the petitioner submits that as against the petitioner no better allegations are raised than the one punishable under Section 212 I.P.C., which is punishable with imprisonment for a period of 5 years and is a bailable one.

4. The learned D.G.P., on the contrary, submits that the prosecution feels that the petitioner is guilty of the offence under Section 302 r/w. 120B I.P.C. Except that the petitioner had harboured accused 1 and 2, it is fairly conceded by the learned D.G.P. that at the moment no better data has been collected to indicate the complicity of the petitioner.

5. I am in these circumstances satisfied that the petitioner can be granted regular bail subject to appropriate terms and conditions, he having remained in custody from 24.11.2007 and no worthwhile material having been collected by now, except the allegation of harbouring, to show that he was a party to the conspiracy. Appropriate conditions shall, of course, be imposed in the interests of a fair, efficient and expeditious investigation.

6. In the result:

1) This application is allowed.

2) The petitioner shall be released on bail on the following terms and conditions.

(a) He shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(b) He shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 1p.m. on all Mondays, Wednesdays and Fridays for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so.

© The petitioner shall not leave the Sessions Division of Ernakulam without the prior permission of the learned Magistrate during the said period of three months.

(R. BASANT)
Judge

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